

PLANNING COMMISSION MINUTES

Gardner, Kansas
Monday, September 25, 2006

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

I. Call to Order

Chairman Stephen Koranda called the meeting to order at 7:04 p.m. Commissioners present: Greg Godwin, Eileen Mertz, Jason Burnett. Commissioners absent: Paul Kilgore, Eric Schultz, and Dan Popp. Also present: Community Development Director Fred Sherman; Planner Erik Pollom; applicant Doug Bohi of Blvd. Development, L.L.C.; engineer for the applicant Joel Riggs of Peridian Group, Inc., and two citizens.

II. Approval of Minutes

The minutes of the August 28, 2006, meeting, were approved by unanimous consent.

III. Consent Items

Commissioner Godwin requested that Item No. 2, FDP-06-04; Item No. 3, Z-06-08/PDP-06-08; and Item No. 4, Z-06-09/PDP-06-09; be removed from the Consent Agenda and placed under the regular Agenda Items.

1. SP-05-06

Consider a revised Site Plan for Winters Professional Building, a 5,000 sq.ft. commercial building to be located at 325 E. Main Street. The application is filed by Craig Winters; with engineering services provided by Allenbrand-Drews & Associates, Inc.

1. **APPLICANT:** The applicant is Dr. Craig Winters; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a site plan for a 5,000 sq. ft commercial office building.
3. **LOCATION:** The property is located at 325 E. Main Street.
4. **EXISTING ZONING:** The property is currently zoned C-1, Central Business District.
5. **ANALYSIS:** The applicant requests approval of a revised site plan for the Winters Professional Building, a 5,000 square foot office building. The proposed site plan meets City standards for parking, landscaping, and storm water management. No prospective tenants have been named by the applicant.

Proposed Building Description

At the May 23, 2005, Planning Commission meeting, the original site plan was approved with a 4,185 square foot office building. Roughly one-third of that building featured a second story, and the southeast corner was planned for a walk-out basement. It was approved with brick on all four elevations and a pitched concrete tile roof.

The building proposed with the revised site plan will be constructed with stucco covering all four elevations and featuring a stone wainscot and a pitched composite shingle roof. The two main entrances will be located on the west side of the building and framed in stone. This elevation also features stone pilasters in the section of the building between the two entrances. The design is very similar to the adjacent medical office building to the west, with the exception that the adjacent building features lap siding instead of stucco. The south and east elevations will be without a full-length wainscot, which was omitted due to the close proximity to the Big "O" Tires facility to the east and limited visibility to the south.

Main Street Access and Drive Alignments

The entrance to the proposed building will be directly off Main Street/U.S. Highway 56. Approval from the Kansas Department of Transportation will be required for this access. The proposed entrance does not align with any entrances to the properties on the north side of Main Street. Future improvements to Main Street are likely to include a median, at which point the entrance to the proposed office building would be limited to right-in/right-out turning movements.

6. **STAFF RECOMMENDATION:** Staff recommends approval of the revised Site Plan for Winters Professional Building (SP-05-06), subject to the following conditions:
 - a) The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations) which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set

out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

- b) Prior to obtaining a building permit, the applicant will obtain approval from KDOT for access to U.S. Highway 56.
- c) No signage is approved with the site plan. Separate sign permits are required prior to the installation of any signage.
- d) Turning movements at the proposed entrance from U.S. Highway 56 may be limited to right-in/right-out access when future improvements are made to the highway.

Motion Godwin, second Mertz, to approve Consent Agenda Item No. 1, a revised Site Plan for Winters Professional Building, subject to staff recommendations.

Motion to Approve Carried: 4 to 0 Aye (Kilgore, Schultz, Popp: Absent)

IV. Agenda Items

1. Z-06-07; PDP-06-06

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to RP-3 (Planned Garden Apartment District) for a 14.37 acre property located at 32520 W. 167th Street. The application is filed by Kill Creek Properties, L.L.C.; with engineering services provided by Peridian Group, Inc.

Chairman Koranda opened the public hearing at 7:12 p.m.

Director Sherman presented the staff report.

1. **APPLICANT:** Kill Creek Properties, L.L.C., is the applicant; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests rezoning of 14.4 acres from R-1 (Single-Family Residential District) to RP-3 (Planned Garden Apartment District).
3. **LOCATION:** The 14.4 acre property is located on the north side of 167th Street, about ½ mile east of Four Corners Road.
4. **EXISTING ZONING:** The property is currently zoned R-1; Single-Family District (Z-03-12, Ord. 2082).
5. **CHARACTER OF THE NEIGHBORHOOD:** The subject property currently contains a single family residence and two ancillary agricultural buildings. The land immediately surrounding the subject property is characterized as the developing northwest fringe of the City of Gardner. Existing uses include developing single family subdivisions to the east and northeast; a middle school facility to the far north, and existing rural residential and agricultural uses to the west and south.
6. **LAND USE AND ZONING PATTERNS:** The surrounding properties are zoned R-1, Single Family Residential District, to the immediate north and east; and Johnson County RUR to the west and south.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 denotes urban residential land uses and low-density residential development uses for this immediate area. The Community Development Plan attempts to expand housing opportunities by targeting various residential densities. Three residential land use categories are depicted on the Development Plan Map. The categories are distinguishable by the density of development allowed in each:

Low-Density: Greater than 1 and less than or equal to 6 units per acre

Medium-Density: Greater than 6 and less than or equal to 15 units per acre

High-Density: Greater than 15 units per acre

Rezoning the property to RP-3, Planned Garden Apartment District, could be complementary with the intent and policies of the plan. The general goal of the plan for medium density residential land uses is to help form residential neighborhoods that are stable, safe and aesthetically pleasing. Specific policies for medium and high-density land uses include:

Policy 1.1: Ensure Quality Development

Encourage emphasis on open space, access to light and air, and the provision of amenities generally associated with and available to low-density residential development in all medium- and higher-density residential developments.

Policy 1.2: Preserve and Protect the Environment

Encourage the preservation and protection of trees, natural vegetation, wetlands, and environmentally sensitive areas in medium- and higher-density residential developments to serve as site amenities.

Policy 1.3: Provide Open Space

Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow strips of unusable open space in front of and between buildings.

Policy 1.4: Consider Appropriate Density

The number of dwelling units per acre in any residential category should be viewed as representing a density range rather than a maximum allowable density. The exact density of a specific tract is to be determined at the time of rezoning based on the following:

- a) Only projects with exceptional design and locational criteria will warrant density exceeding the midpoint of the density range.
- b) Natural constraints, public facilities, streets and traffic patterns, neighborhood character, community need and surrounding zoning and land use patterns are to be taken into consideration.

Policy 1.5: Provide for Variety in Housing Types

Encourage the use of a variety of housing types, including townhomes, patio homes, duplexes, zero lot line homes, cluster housing, garden apartments and retirement housing.

Policy 2.1: Consider Land Use Relationships

The relationship of land uses should reflect consideration of existing development, environmental conditions, and service and access needs. No higher-density development (more than 15 units per net acre) shall have a property line common with properties zoned for single-family and designated as Low-Density Residential on the Future Development Plan unless such low-density property is used for a nonresidential land use such as a church, school or park.

Policy 2.2: Consider Access

Higher-density residential developments shall have frontage and main access directly on major thoroughfares.

Policy 2.3: Protect Areas Planned for Medium- and Higher-Density Residential Developments

Avoid reducing medium- and higher-density residential areas as shown on the Future Development Plan Map by allowing encroachment of nonresidential land uses which are not customarily allowed in residential districts.

Policy 2.4: Reserve Suitable Sites

Reserve suitable land areas of adequate size to accommodate medium- and higher-density residential development near or adjacent to employment centers.

Policy 2.7: Adhere to Future Development Plan

A feasibility study for developments increasing the amount of medium- and higher-density residential areas beyond what is shown on the Community Development Plan Map may be required to assist in the evaluation of a proposed project. The feasibility study will include:

- a) Explanation of why the area is not adequately served by the medium- and higher-density residential development shown on the Community Development Plan Map.
- b) An analysis of the impact of traffic generated by the development on adjacent streets.

Policy 3.1: Use Appropriate Transitional Methods

Appropriate transitional methods should be considered at all locations where the development or expansion of either more or less intensive land uses abut medium- and higher-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

- a) Site Orientation:
 - 1) Site design should be oriented so that less compatible uses such as recreational facilities are located in the interior of the development and not adjacent or in close proximity to low-density residential neighborhoods.
 - 2) Site access should be off of collector or thoroughfare streets.
 - 3) Where appropriate, streets may be used as boundaries between different intensities of land uses.
- b) Building Relationships:
 - 1) A back-to-back relationship is preferable between different intensities of residential land uses.
 - 2) Medium-density residential uses should not have lesser setbacks than abutting low-density residential uses.
 - 3) The height and bulk of a medium-density residential buildings and accessory structures (clubhouses, satellite dishes, etc.) should be oriented away from low-density residential neighborhoods to avoid creating a negative visual effect.
 - 4) Where medium-density residential development adjoins or faces a low-density residential area, the medium-density residential development should incorporate low-rise structures of a lower-density character for those areas closest to the low-density development.
- c) Land Features:
 - 1) Promote the retention of stands of trees, natural vegetation, wetlands, and environmentally sensitive areas whenever possible to separate medium- or higher-density residential development from other more or less intensive land uses.
 - 2) Where possible, use existing differences in topography to naturally separate medium- and higher-density developments and other more or less intensive land uses.
- d) Screening and Landscaping:
 - 1) Encourage the creative and extensive use of landscaping and berming techniques for effective buffering between differing intensities of land uses and to increase neighborhood privacy and security.
 - 2) Avoid the use of fences as a sole means of providing screening and buffering.
 - 3) Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.
 - 4) Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long-term maintenance costs and to make it less likely that neglected, unsightly areas will occur.
- e) Lighting:
 - 1) Any lighting used to illuminate parking areas, signs or other structures shall be arranged so as to deflect light away from any adjoining property or from public streets through fixture type, height, and location.

- 2) Exterior lighting of buildings shall be limited to low level incandescent spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any such light source will not glare upon adjacent property or public streets.

Policy 3.4: Allow the Option of Medium-Density Residential as a Transitional Use

Allow the use of medium-density residential as a transitional land use between low-density residential and other more intensive uses.

8. **STAFF ANALYSIS OF THE APPLICATION:** A revised plan from the version that was presented to Planning Commission at the August 28, 2006, meeting has been submitted for consideration. The preliminary development plan submitted with the original rezoning request included eight (8) freestanding two-story apartment buildings. The 120 total residential units were placed in seven (7) 16-unit buildings, and one (1) 8-unit building at the northernmost extent of the buildable area of the property.

This revised version of the preliminary development plan shows a reduction in the overall density of residential development, from 120 total units to 80 total residential units in ten (10) freestanding two-story apartment buildings. The footprint of the proposed buildings appears to be half of the previously proposed 16-unit buildings.

Based on the building elevations that were presented with the original development plan, the exterior finish of the buildings are proposed to be a combination of cultured stone veneer and hardi-board concrete lap siding accented with some standing seam metal entrance canopies. The proposed buildings provide some breaks in the rooflines with a few hips and gables in the roof structures, but the main roof structures of each building will be one dominant hip-roof structure.

Gross vs. Net Land Area

The subject property is over 14 acres in size based on gross land area. There are several existing physical aspects to this tract of land that limit its development potential over the entire 14+ acres. Along the east side of the property is an existing open drainage way that is fed by a 200+ acre sub-drainage basin on the properties located south of 167th Street. The Kill Creek drainage study conducted by Johnson County indicates that this drainage way will be designed to be within the 100 year floodplain when FEMA adopts the results of this updated drainage study.

Most notable, the northwest portion of this triangle shaped parcel of land, about 250 feet wide or almost half of the gross parcel land area, is encumbered by existing natural gas transmission lines and easements. These gas line easements prohibit the construction of any buildings and probably also limit the ability to construct parking lots and/or private access roads within this land area.

This parcel of land is essentially an island piece of property limited to only one point of access off 167th Street. Its development potential for traditional single family homes, its current zoning, is very limited. Based on the gross 14+ acres of land associated with this rezoning request, the 80 proposed total residential units equate to 5.56 units per acre, which is less than the six (6) units per acre maximum density designated in the Comprehensive Plan for Low Density Residential development areas.

Factoring out the non-buildable gas line easement land areas and the drainage way along the east side of the property that is likely to be designated as 100 year floodplain in the near future, the net 6+ acres of buildable land results in a calculated density of about 12 to 13 units an acre, which is within the threshold of the Medium-Density Residential land use designation within the Community Development Plan. If in the future the gas transmission line area is dedicated or transferred for public open space use, this revised preliminary development plan presents an acceptable residential density on the net buildable land area, in staff's opinion.

9. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission forward the rezoning application for the Kill Creek Run property from R-1, Single-Family Residential, to RP-3, Planned Garden Apartment District (Z-06-07, PDP-06-06), to the City Council with a recommendation for approval with the following stipulations:
 - a. The development shall be in accordance with Exhibit "A" (Preliminary Development Plan) and Exhibit "B" (Building Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein.
 - b. This development shall be limited to 80 total units.
 - c. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff
 - d. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan and final plat for this subject property.

Chairman Koranda invited comments from the commissioners. Commissioner Mertz asked how many parking spaces were on the plan. Director Sherman stated that there were 180 parking spaces.

Chairman Koranda invited comments from the applicant. Engineer for the applicant Joel Riggs of Peridian Group, Inc., briefly explained the revisions made to the development plan, per previous discussions with the commission. He requested that the item be tabled to the October 9, 2006, so that the owner could work out some contractual issues prior to approval of the plan.

Chairman Koranda invited comments from the public. There were no public comments.

Motion Mertz, second Burnett, to close the public hearing at 7:22 p.m.

Motion Carried: 4 to 0 Aye (Kilgore, Schultz, Popp: Absent)

Motion Godwin, second Burnett, to table the Rezoning Request for the Kill Creek Properties, L.L.C., property (Z-06-07) and its associated Preliminary Development Plan for Kill Creek Run (PDP-06-06) to the October 9, 2006, Planning Commission meeting.

Motion to Table Carried: 4 to 0 Aye (Kilgore, Schultz, Popp: Absent)

2. FDP-06-04

Consider a Final Development Plan for University Park Multi-Family, the 202 unit first phase of a multi-family residential development located ½ mile northwest of the 167th Street/Moonlight Road intersection. The application is filed by Blvd. Development, L.L.C.; with engineering services provided by Peridian Group, Inc. This item is to be tabled to the October 23, 2006, meeting.

1. **APPLICANT:** The applicant is Blvd. Development, L.L.C.; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a final development plan for a tract of land containing approximately 14.05 acres for planned multi-family residential development.
3. **LOCATION:** The property is located ½ mile northwest of the 167th Street and Moonlight Road intersection.
4. **EXISTING ZONING:** The property is zoned RP-3, Planned Garden Apartment District (Z-03-18).
5. **ANALYSIS:** At the September 25, 2006, meeting, the Planning Commission voted to table consideration of this final development plan to allow time for the associated revised preliminary development plan (PDP-06-07) to be approved by the City Council.
At the September 18, 2006, meeting, the City Council voted to send the revised preliminary development plan back to the Planning Commission for revision and reconsideration, based on issues of increased density and the proposed private streets. The reconsideration of the revised preliminary development plan is tentatively scheduled for the October 9, 2006, Planning Commission meeting
This being the case, this subject final development plan still awaits Council approval of the revised preliminary development plan.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission table consideration of the final development plan for University Park Multifamily (FDP-06-04) to the October 23, 2006, meeting.

Chairman Koranda invited discussion of the item.

Director Sherman discussed the associated preliminary development plan, PDP-06-07, which was scheduled to come before the commission on October 9, 2006, having been sent back to the Planning Commission by the City Council for reconsideration of the proposed density and private streets. He explained some of the potential street and traffic code enforcement issues pertinent to private streets versus public streets. He also discussed the differences of building setback requirements between private and public street rights-of-way.

Engineer for the applicant Joel Riggs of Peridian Group, Inc., briefly discussed some issues pertinent to the preliminary development plan that the applicant would be requesting the commission to consider, especially the possibility of allowing significant exceptions to the required minimal front building setbacks.

Commissioner Godwin stated that he would like to see photographic or design plan examples of the proposed lesser setback allowances that Mr. Riggs discussed. He also named several similar metro area developments that he would like to see as examples, with their setbacks, parking, etc.

The commissioners briefly discussed the visual aesthetics of the proposed reduced building setbacks and whether the commission should be concerned with the

appearance of the internal streetscape of the proposed development when it would not be visible from outside of the development.

Director Sherman clarified that the potential revisions had not yet been reviewed by all of the City departments, and their evaluations would be incorporated into staff's eventual report and recommendations.

Motion Godwin, second Mertz, to table the Final Development Plan for University Park Multi-Family Townhomes (FDP-06-04) to the October 23, 2006, Planning Commission meeting. Motion to Table Carried: 4 to 0 Aye (Kilgore, Schultz, Popp: Absent)

3. Z-06-08; PDP-06-08

Conduct a public hearing and consider rezoning property from A (Agricultural District) to CP-2 (Planned General Business District) for a 34.84 acre property located on the northeast corner of the 167th Street/Waverly Road intersection. The application is filed by Jabez Development, Inc.; with engineering services provided by Peridian Group, Inc. *This item is to be tabled to the October 9, 2006, meeting.*

1. **APPLICANT:** Jabez Investments, L.L.C., is the applicant; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests rezoning of 34.84 acres from A, Agricultural District, to CP-2, Planned General Business District.
3. **LOCATION:** The 34.84-acre property is located on the northeast corner of the Waverly Road and 167th Street intersection.
4. **EXISTING ZONING:** The property is currently zoned A, Agricultural District, upon annexation into the City of Gardner (Ord 2172).
5. **ANALYSIS:** The applicant has submitted a revised development plan based upon the Planning Commission's comments at the August 28 meeting. The revised plan was not submitted into a sufficient amount of time to allow for a complete staff review and comments. Also this revised plan does not conform to the requested CP-2 zoning district boundary – it now includes a residential component.
The submitted plan will be presented as a discussion item at the September 25 meeting. Based upon direction received as during the discussion, an actionable plan will be presented at a later Planning Commission meeting date.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission table the public hearing and consideration of the rezoning and preliminary development plan for Granite Springs North (Z-06-08, PDP-06-08), to the October 9, 2006, meeting.

Motion Godwin, second Mertz, to table the Rezoning Request for the Jabez Investments, L.L.C. Property (north) (Z-06-08) and its associated Preliminary Development Plan for Granite Springs (north) (PDP-06-08) to the October 9, 2006, Planning Commission meeting.

Motion to Table Carried: 4 to 0 Aye (Kilgore, Schultz, Popp: Absent)

4. Z-06-09; PDP-06-09

Conduct a public hearing and consider rezoning property from A (Agricultural District) to RP-3 (Planned Garden Apartment District) for a 12.08 acre property located on the southeast corner of the 167th Street/Waverly Road intersection. The application is filed by Jabez Development, Inc.; with engineering services provided by Peridian Group, Inc. *This item is to be tabled to the October 9, 2006, meeting.*

1. **APPLICANT:** Jabez Investments, L.L.C., is the applicant; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests rezoning of 12.08 acres from A (Agricultural District) to RP-3 (Planned Garden Apartment District).
3. **LOCATION:** The 12.08-acre property is located on the southeast corner of the Waverly Road and 167th Street intersection.

4. **EXISTING ZONING:** The property is currently zoned A, Agricultural District, upon annexation into the City of Gardner (Ord. 2172).
5. **ANALYSIS:** Based upon the Planning Commission's comments at the August 28 meeting, this item awaits a decision on the appropriate layout and mix of uses of the property immediately to the north (Z-06-08, PDP-06-08) before being considered for approval.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission table the public hearing and consideration of the rezoning and preliminary development plan for Granite Springs South (Z-06-09, PDP-06-09), to the October 9, 2006, meeting.

Motion Godwin, second Mertz, to table the Rezoning Request for the Jabez Investments, L.L.C. Property (south) (Z-06-09) and its associated Preliminary Development Plan for Granite Springs (south) (PDP-06-09) to the October 9, 2006, Planning Commission meeting.

Motion to Table Carried: 4 to 0 Aye (Kilgore, Schultz, Popp: Absent)

V. Discussion Items

1. Proposed Granite Springs Development Plan

Discuss proposed preliminary development plan for residential and commercial uses on the northeast corner of the 167th Street and Waverly Road intersection.

Director Sherman discussed the previously submitted development plans for the southwest and northwest corners of the 167th Street and Waverly Road intersection relative to the most current revised plan which was scheduled to come before the Planning Commission on October 9, 2006.

Director Sherman and the commissioners discussed future commercial development in the northwest areas of the City, in relation to existing and future commercial developments in other areas of the City.

Commissioners Godwin, Burnett, and Mertz agreed that they preferred the proposed plan with the smaller commercial development, except for the orientation of the building on the northwest corner of the commercial area.

Commissioner Mertz stated that the multi-family residential area on the revised plan was too isolated from the proposed residential development on the property immediately north of the subject property.

Mr. Riggs and the commissioners discussed revisions and designs for the proposed development plan.

VI. Adjourn

Motion Mertz, second Godwin, to adjourn the meeting at 9:33 p.m.

Motion to Adjourn Carried: 4 to 0 Aye (Kilgore, Schultz, Popp: Absent)

Cindy Weeks, Planning Service Specialist

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